

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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YURMAN STUDIO, INC. and YURMAN
DESIGN, INC., :
:

Plaintiffs/Counter-Defendants, :

- against - :

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM, :

Defendants/Counter-Plaintiffs. :

----- x
CARTIER, a division of RICHEMONT NORTH
AMERICA, INC., CARTIER INTERNATIONAL,
N.V., CARTIER CREATION STUDIO, S.A., VAN
CLEEF & ARPELS S.A., VAN CLEEF &
ARPELS, INC., VAN CLEEF & ARPELS
DISTRIBUTION, INC., GUCCI AMERICA, INC.,
and BULGARI S.p.A., :

Plaintiffs, :

- against - :

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM, :

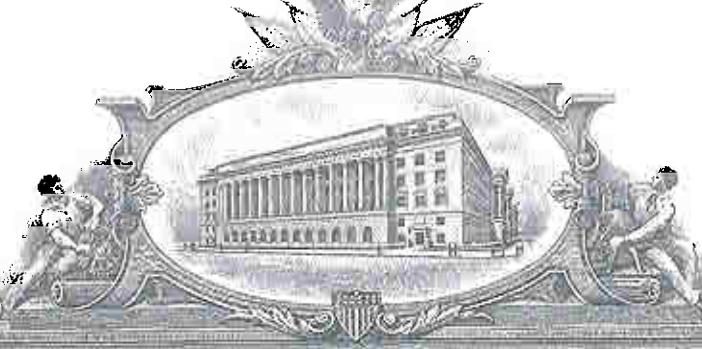
Defendants. :

Civil Action No. 07-1241 (SAS)(HP)
(Action No. 1)

Civil Action No. 07-7862 (SAS)(HP)
(Action No. 2)

**DECLARATION OF BHARAT DUBE IN SUPPORT OF THE CARTIER PLAINTIFFS
MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT E



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

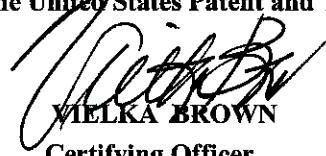
June 02, 2008

**THE ATTACHED U.S. TRADEMARK REGISTRATION 3,282,847 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *August 21, 2007*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**


VIELKA BROWN
Certifying Officer



Int. Cl.: 14

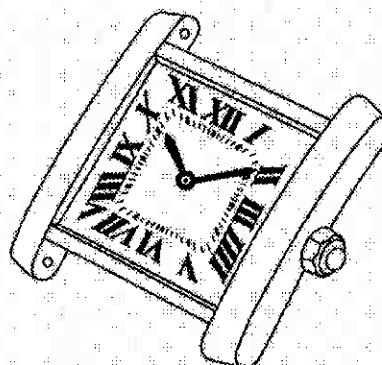
Prior U.S. Cls.: 2, 27, 28 and 50

Reg. No. 3,282,847

United States Patent and Trademark Office

Registered Aug. 21, 2007

TRADEMARK
PRINCIPAL REGISTER



CARTIER INTERNATIONAL N.V. (NETHERLD
ANTILLES COMPANY)
SCHARLOOWEG 33
CURACAO, NETHERLD ANTILLES

FOR: HOROLOGIC AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 6-15-1996; IN COMMERCE 6-15-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THE NUMBERS 1-12 OR THE WATCH HANDS", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A CONFIGURATION OF A WATCH CASE WITH A SQUARE FACE, THE CASE FRAMING THE WATCH CONSISTS OF THIN HORIZONTAL BRANCARDS AND THICK CONCAVE VERTICAL BRANCARDS, BOTH FORMED OF THE CASE METAL AT EACH CORNER THE VERTICAL BRANCARDS ARE ELONGATED BE-

YOND THE BOTTOM AND TOP OF THE WATCH CASE, AND END IN INWARDLY ANGLED CORNERS; THE VERTICAL BRANCARDS ARE BEVELED TO SLOPE DOWNWARD LATERALLY FROM THE INSIDE TO THE OUTSIDE (THEY ARE SOMETIMES DECORATED WITH JEWELS); THE ELONGATED BRANCARD CORNERS FRAME THE END LINKS IN THE BRACELET CHAIN OR THE END OF THE WATCH STRAP; ART DECO ROMAN NUMERALS INCLINE CONFORM TO THE ANGLE DIRECTION OF THE WATCH HANDS AT SUCH TIME AS THE HANDS ARE JUXTAPOSED TO THAT NUMERAL; AN OCTAGONAL WINDING CROWN WITH CABOCHON; AND A CHAPTER RING/MINUTE GUIDE ON THE WATCH FACE LOCATED BETWEEN THE CENTER OF THE DIAL AND THE NUMERALS.

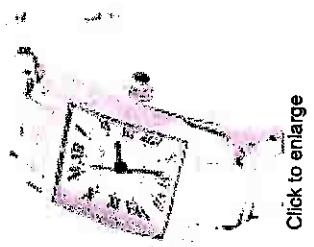
SEC. 2(F).

SER. NO. 78-853,203, FILED 4-4-2006.

ERNEST SHOSHO, EXAMINING ATTORNEY

The image is a collage of various promotional banners and product images from the website Overstock.com. It includes:

- A large banner for "Overstock Jeweler" with a heart icon.
- A banner for "HAPPY VALENTINE'S DAY" featuring a "FREE GIFT MESSAGE - 10% OFF ENTIRE STOCK, USE COUPON: VDAY".
- A banner for "FREE GIFT BOX, FREE GIFT MESSAGE" with a "SHOPPING BAG" icon.
- A banner for "NO RISK INVOLVED" with a "SHOPPING BAG" icon.
- A banner for "ORDERS USUALLY SHIP SAME BUSINESS DAY. FREE GROUND SHIPPING ON ALL USA ORDERS".
- A banner for "SAVE 10% TODAY" with a "SHOPPING BAG" icon.
- A banner for "CELEBRATE VALENTINE'S DAY WITH CELESTIAL JEWELRY".
- A banner for "JEWELRY & WATCHES".
- A banner for "GIFT REGISTRY".
- A banner for "OUR BESTSELLERS".
- A product image for a "Cartier-esque Timepiece Ladies Classic Tank Fashion Watch" with availability information: "In Stock", "Order Now & Ships: Thurs, Feb 7", "Item #: BRT-WCRTT2", "List Price: \$149.99", and "Our Price: \$49.99".
- A product image for a "David Yurman Albion Inspired Cushion Cut Diamond CZ Earrings MORE COLORS!" with a price of "\$44.99".
- A banner for "MATCHING ITEMS".
- A banner for "FREE GROUND SHIPPING" with a note: "On all USA Orders via ground Int. Shipping is \$25. more info".
- A product image for a "Tiffany Style Inspired Sterling Silver Vertical Atlas Band Ring" with a price of "\$44.99".
- A banner for "PLAINTIFF'S EXHIBIT 7" with a handwritten signature.
- A banner for "WE SHIP INTERNATIONALLY".
- A banner for "FREE GROUND SHIPPING".
- A banner for "HOME NECKLACES & PENDANTS BRACELETS RINGS EARRINGS".
- A banner for "FINAL CLEARANCE SALE".
- A banner for "NEW ARRIVALS".
- A banner for "BEST SELLERS".
- A banner for "JUDITH LEIBER INSPIRED PURSE NEW!".
- A banner for "COLLECTIONS".
- A banner for "CELEBRITY JEWELRY".
- A banner for "TIFFANY INSPIRED JEWELRY".
- A banner for "DAVID YURMAN INSPIRED JEWELRY".
- A banner for "DESIGNER INSPIRED BABY CHARMS".
- A banner for "MEN'S JEWELRY".
- A banner for "JUDITH LEIBER INSPIRED BAGS".
- A banner for "OTHER VIEWS".
- A banner for "CATALOGUE".
- A banner for "ENGAGEMENT RINGS".
- A banner for "CHANDELIER EARRINGS".
- A banner for "BRIDAL JEWELRY".
- A banner for "HEART SHAPED JEWELRY".
- A banner for "TENNIS BRACELETS & NECKLACES".
- A banner for "CHAINS".
- A banner for "CUFFLINKS".
- A banner for "CLOVER JEWELRY".
- A banner for "RELIGIOUS JEWELRY".
- A banner for "EQUESTRIAN JEWELRY".
- A banner for "EARTH ELEMENTS".

Skull Jewelry**DEPARTMENT**[Watches](#)[Bracelets](#)[Necklaces & Pendants](#)[Earrings](#)[Rings](#)[Pins & Brooches](#)[Ankle Bracelets](#)[Accessories](#)[Baby Gifts & Charms](#)
[Shop by Price](#)[Click to enlarge](#)**DESCRIPTION:**

This Cartier -esque Inspired Ladies Watch is made of stainless steel back. In an homage to the designer's famed Tank Collection, the band's sleek links are finished in a high polished touch to accent the square-shaped watch face's classic look and Roman numeral dial. This item has significant weight and will fit up to a 9 inch wrist. Different from a Cartier -esque look a like, this sophisticated timepiece is made with the highest quality materials. The magnificent craftsmanship and elegant design of this piece are sure to make counting down the minutes look a lot more fashionable.

WEBSITE[International](#)[\\$25 Flat Rate](#)**GOLD JEWELRY**[Gold Jewelry](#)[Pearls](#)[Diamond Jewelry](#)[Gemstone Jewelry](#)[Turquoise Jewelry](#)**WEBSITE**[International](#)
[\\$25 Flat Rate](#)**SHOPPING SERVICES**[Wholesale Silver Jewelry](#)[Gift Certificates](#)[Affiliate Program](#)[Wish List Program](#)[Ring Size Chart](#)[Shipping Policy](#)[Celebrity Jewelry Blog](#)[XOXI](#)[Check us out on](#)
[myspace.com](#)[SERVICE YOU](#)[CAN TRUST](#)[Risk Free 30 Day returns](#)[Yahoo has ranked us](#)[based on reviews. more...](#)[Free GROUND Shipping](#)[Click to enlarge](#)**Designer -esque 925 Sterling Silver Asscher Cut Diamond CZ Stud Earrings**[\\$24.99](#)**Tiffany -esque Style Sterling Silver Wire Bracelet**[\\$24.99](#)**Fred Leighton Inspired Sterling Silver Diamond CZ Pavé Bridal Wedding Pin**[\\$24.99](#)

All measurements are approximate. Designer mentioned does not make this item. Please read our [disclaimer](#).

CUSTOMER REVIEWS:

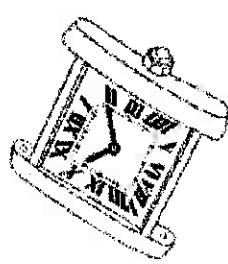
Earrings are beautiful! Looks to be much more expensive than what I paid. I received items very quickly. Will be shopping more on this web site!

This Item includes:

- No Sales Tax except for NY
- 30-Day Moneyback Guarantee
- Item is shipped in velvet pouch.
- Free Gift box and Free Gift Message!

Recently viewed items

The Cartier Design Marks & The Overstock Jeweler Infringing Products

U.S. Trademark Reg. No.	Cartier Trademark	Overstockjeweler.com Item & Item No.
3,282,847	 A detailed line drawing of the Cartier Trinity watch logo, which consists of three interlocking rings forming a triangle. The logo is oriented vertically in the center of the cell.	 A photograph of a wristwatch with a rectangular pinkish-purple face and a dark strap. The watch has Roman numeral hour markers and a small seconds sub-dial at the 6 o'clock position. It appears to be a copy of the Cartier Trinity watch.
		BRT-WCRTT2